

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

RACHEL HALLOWS SABBATS,
Plaintiff,

v.

Civil No. 3:21cv780 (DJN)

HAROLD W. CLARKE, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. To state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to identify the particular constitutional right that each Defendant's conduct violated or provide each Defendant with fair notice of the facts and legal basis upon which his or her liability rests. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that a complaint must "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests").

Accordingly, by Memorandum Order entered on July 20, 2022, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 30.) The Court warned Plaintiff that failure to submit a particularized complaint would result in the dismissal of the action.


Plaintiff did not comply with the July 20, 2022, Memorandum Order. Nevertheless, by Memorandum Order entered on October 5, 2022, the Court provided Plaintiff with a second opportunity to file a particularized complaint. (ECF No. 32.) The Court once again warned Plaintiff that failure to submit a particularized complaint within thirty (30) days of entry thereof would result in dismissal of the action.

More than thirty (30) days have elapsed since the entry of the October 5, 2022, Memorandum Order. Plaintiff has failed to submit a particularized complaint or otherwise respond to the October 5, 2022, Memorandum Order. Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

An appropriate Final Order shall issue.

Richmond, Virginia
Dated: November 21, 2022

/s/ 

David J. Novak
United States District Judge